

ESTTA Tracking number: **ESTTA173243**

Filing date: **11/07/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180566
Party	Plaintiff Financial Freedom Senior Funding Corporation
Correspondence Address	B. Brett Heavner Finnegan, Henderson, Farabow, Garrett and Dunner, LLP 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, b.brett.heavner@finnegan.com, pamela.scully@finnegan.com
Submission	Other Motions/Papers
Filer's Name	B. Brett Heavner
Filer's e-mail	docketing@finnegan.com, b.brett.heavner@finnegan.com, martha.parker@finnegan.com, pamela.scully@finnegan.com, anna.bonny@finnegan.com
Signature	//B. Brett Heavner//
Date	11/07/2007
Attachments	CORRECTED Certificate of Service and Notice of Opposition.PDF ( 10 pages ) (440962 bytes )

**CORRECTED CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on David Yeselavage by mailing said copy on November 6, 2007, via FedEx to:

David Yeselavage  
Stratagem Mortgage LLC  
3032 Avon Road  
Bethlehem, Pennsylvania 18017

  
\_\_\_\_\_  
Pamela B. Scully

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FINANCIAL FREEDOM SENIOR FUNDING CORPORATION,	)	
	)	Opposition No.
Opposer,	)	
	)	Serial No. 77/072,826
v.	)	Mark: FINANCIAL FREEDOM
	)	STARTS HERE
STRATAGEM MORTGAGE LLC,	)	Filing Date: December 28, 2006
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer Financial Freedom Senior Funding Corporation (“Opposer” or “FFSF”), a Delaware corporation, having a business address at 1 Banting, Irvine, California 92618, believes that it will be damaged by the registration of the mark FINANCIAL FREEDOM STARTS HERE for mortgage brokerage shown in Application Serial No. 77/072,826, and hereby opposes same. As grounds for its opposition, Opposer alleges as follows upon actual knowledge as to its own acts and upon information and belief as to all other matters:

1. Opposer Financial Freedom Senior Funding Corporation is a Delaware corporation with its principal place of business at 1 Banting, Irvine, California 92618.
2. Since at least as early as December 1, 1999, Opposer has used the FINANCIAL FREEDOM trademark in the United States in connection with reverse mortgage lending. Opposer has acquired common law rights to FINANCIAL FREEDOM through its use of the mark over the past eight years.

3. Opposer is also the owner of U.S. Registration No. 2,775,594, registered on October 21, 2003 for the mark FINANCIAL FREEDOM and Design (shown below) for reverse mortgage lending.



4. Stratagem Mortgage LLC (“Applicant”) is a United States mortgage brokerage, with an address of 3032 Avon Road, Bethlehem, Pennsylvania 18017.

5. Applicant is the listed owner of Application Serial No. 77/072,826, filed December 28, 2006, long after Opposer’s priority date, under Section 1(b), 15 U.S.C. § 1051(b), for the mark FINANCIAL FREEDOM STARTS HERE for “mortgage brokerage,” in Class 36. On information and belief, Applicant has not yet commenced use of the mark FINANCIAL FREEDOM STARTS HERE.

6. The “FINANCIAL FREEDOM” portion of Applicant’s mark FINANCIAL FREEDOM STARTS HERE is identical in pronunciation and appearance to Opposer’s FINANCIAL FREEDOM mark. The mortgage brokerage services are closely related to the services offered by Opposer in connection with its FINANCIAL FREEDOM mark.

7. In view of the similarity of the parties’ marks and the closely-related nature of the parties’ services, Applicant’s mark FINANCIAL FREEDOM STARTS HERE so resembles Opposer’s previously used mark FINANCIAL FREEDOM and Design mark as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer respectfully requests that the mark shown in Application Serial No. 77/072,826 be refused registration and that this opposition be sustained.

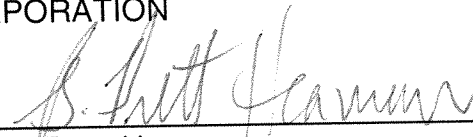
A filing fee of \$300.00 has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully submitted,

FINANCIAL FREEDOM SENIOR FUNDING  
CORPORATION

Dated: November 6, 2007

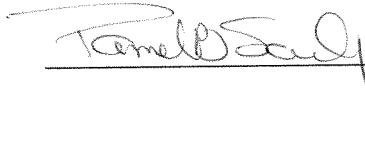
By: \_\_\_\_\_

  
B. Brett Heavner  
Anna C. Bonny  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER L.L.P.  
901 New York Avenue, NW  
Washington, D.C. 20001-4413  
(202) 408-4000

Attorney for Opposer  
Financial Freedom Senior Funding  
Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on David Yeselavage by mailing said copy on November 2, 2007, via FedEx to: David Yeselavage, Stratagem Mortgage LLC, 3032 Avon Road, Bethlehem, Pennsylvania 18017.



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<b>Word Mark</b>	FINANCIAL FREEDOM
<b>Goods and Services</b>	IC 036. US 100 101 102. G & S: REVERSE MORTGAGE LENDING. FIRST USE: 19991201. FIRST USE IN COMMERCE: 20000101
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.05 - American flags; Flags, American
<b>Serial Number</b>	78148416
<b>Filing Date</b>	July 29, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 29, 2003
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	2775594
<b>Registration Date</b>	October 21, 2003
<b>Owner</b>	(REGISTRANT) <b>Financial Freedom Senior Funding</b> Corporation CORPORATION DELAWARE 1 Banting Irvine CALIFORNIA 92618
<b>Attorney of Record</b>	B. BRETT HEAVNER
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINANCIAL" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK

Register                    PRINCIPAL  
Live/Dead Indicator    LIVE

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**Serial Number:** 78148416 Assignment Information

Trademark Document Retrieval

**Registration Number:** 2775594

**Mark**



**(words only):** FINANCIAL FREEDOM

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2003-10-21

**Filing Date:** 2002-07-29

**Transformed into a National Application:** No

**Registration Date:** 2003-10-21

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

**Current Location:** 830 -Post Registration

**Date In Location:** 2006-04-26

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Financial Freedom Senior Funding Corporation

**Address:**

Financial Freedom Senior Funding Corporation

1 Banting

Irvine, CA 92618

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

**Phone Number:** 949-263-9931

**Fax Number:** 949-749-9134

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### GOODS AND/OR SERVICES

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**International Class:** 036

**Class Status:** Active

REVERSE MORTGAGE LENDING

**Basis:** 1(a)

**First Use Date:** 1999-12-01

**First Use in Commerce Date:** 2000-01-01

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### ADDITIONAL INFORMATION

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**Disclaimer:** "FINANCIAL"

**Design Search Code(s):**

**24.09.05** - American flags; Flags, American

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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2006-10-25 - Applicant/Correspondence Changes (Non-Responsive) Entered

2006-10-25 - TEAS Change Of Owner Address Received

2006-04-26 - Section 7 amendment issued

2005-11-15 - Response received to Post Registration action - Sections 8

2005-11-15 - PAPER RECEIVED

2005-11-03 - Post Registration action mailed - Section 7

2005-07-11 - Section 7 amendment filed

2005-07-11 - PAPER RECEIVED

2004-08-24 - PAPER RECEIVED

2003-10-21 - Registered - Principal Register

2003-07-29 - Published for opposition

2003-07-09 - Notice of publication

2003-04-28 - Approved for Pub - Principal Register (Initial exam)

2003-04-15 - EXAMINERS AMENDMENT E-MAILED

2003-01-13 - Non-final action e-mailed

2002-12-12 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

B. BRETT HEAVNER

**Correspondent**

B. Brett Heavner

Finnegan, Henderson, Farabow, Garrett an

901 New York Avenue, N.W.

Washington DC 20001

Phone Number: 2024084073

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